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INTELLECTUAL PROPERTY LAW

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March 5, 2021

**LETTER MOTION REQUESTING CONFERENCE
TO ADDRESS DISCOVERY ISSUES**

VIA ECF

The Honorable Robert W. Lehrburger
Magistrate Judge
United States Courthouse
United States District Court for the
Southern District of New York
500 Pearl Street, Room 1960
New York, NY 10007

**Re: Aquavit Pharmaceuticals, Inc. v. U-Bio Med, et al.
Case No. 19-CV-3351-VEC-RWL**

Dear Judge Lehrburger:

Defendants U-Bio Med, Inc. and Nyeon-Sik Eum request a conference to address Plaintiff's failure to provide the discovery that was agreed to in the Amended Case Management Plan and Revised Discovery Schedule that was So Ordered by Your Honor on January 25, 2021. [DE 222] Plaintiff did not make any production on March 1, 2021, as set forth in ¶ 16 of the Order, and Plaintiff has stated that it cannot provide a date the discovery will be provided.

The history and details leading up to this request are set forth at pages 2 and 3 of a letter opposition Defendants filed today [DE 239] in response to Plaintiff's letter request to modify the MPI [DE 221]. That MPI issue has now been referred to Your Honor. [DE 240] In that regard, if the Court does not consider the MPI matter premature under the circumstances, then Defendants request an opportunity to fully brief the issues before consideration by the Court.

The Honorable Robert W. Lehrburger

December 15, 2020

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Plaintiff should be ordered to provide its complete production by a date certain with sanctions to be imposed for failure to do so.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Thomas J. Vetter". The signature is fluid and cursive, with the first name "Thomas" and last name "Vetter" clearly distinguishable.

Thomas J. Vetter (tv0364)

cc: Daniel J. Nevriy (via ECF)